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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,976	07/12/2001	Arthur Ernest Conrad	01424-P0037B	9444

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EXAMINER	
BOVEJA, NAMRATA	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,976	CONRAD ET AL.	
	Examiner	Art Unit	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 05/15/2006.

2. Claims 1-44 are presented for examination.

3. Amendments to claims 1, 11, 21-23, 33, 43, and 44 have been entered and considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-16, 18-28, 30-38, and 40-44 are rejected under 102(e) as being anticipated by Park et al (6,295,061 hereinafter Park).

In reference to claims 1, 11, 21, 22, 23, 33, 43, and 44 Park discloses a method and system for displaying and implementing an attract loop for displaying web content on a user computer comprising: providing a central computer (i.e. the server computer) (col. 5 lines 26-38, col. 6 lines 26-33, and Figures 5 and 6); providing a user computer in communication with said central computer through a communications link (col. 5 lines 26-38, col. 6 lines 51-53, col. 7 lines 49-63, and Figures 5 and 6), the user computer having a browser executing thereon and having a display (col. 5 lines 49-58, col. 8 lines 20-24, col. 10 lines 61 to col. 11 line 1, and Figures 6 and 7) receiving, from the browser

executing on the user computer, a request to transmit a web page (col. 5 line 49-58 and col. 10 lines 61 to col. 11 line 1); transmitting a web page to the browser executing on the user computer in response to the request to transmit a web page, the web page comprising attract loop code, wherein the attract loop code monitors said user computer for a user event (col. 7 lines 49-63, col. 8 lines 20-24, col. 10 lines 47 to col. 11 lines 65, and Figures 8-15), and if the user event does not occur within a specified time period (i.e. just on the basis of a lapse of time), the attract loop code causes the browser executing on the user computer to transmit a request for attract loop content to the central computer (col. 3 lines 28-30 and 44-50, *col. 9 lines 62 to col. 10 lines 6, where it is stated, "Moreover, the pointing device activity further includes a combination of standard events such as* ***a lapse of time regardless of any user's point device activity****" (i.e. when the user event does or does not occur within a specified time period the images disappear and reappear similar to a screensaver), and claims 7 and 48*), transmitting attract loop content to the browser executing on the user computer in response to the request for attract loop content (col. 4 lines 13-17, col. 10 lines 27-46, col. 11 lines 32-65, and Figures 10-15) and wherein the attract loop code causes the attract loop content to be displayed on the display of the user computer through the browser (col. 8 lines 20-49, col. 10 lines 23-25, and Figures 10-15).

5. In reference to claims 2, 12, 24, and 34, Park discloses the method and system wherein the attract loop code, while the attract loop content is being displayed on the display of the user computer, monitors the user computer for a user event, and, upon the occurrence of the user event, automatically causes the display of the attract loop

content to be terminated (i.e. disappearance) (abstract, col. 3 lines 22-27 and 31-34, col. 4 lines 13-17, col. 10 lines 7-12, and Figures 10 and 13).

6. In reference to claims 3, 13, 25, and 35, Park discloses the method wherein the central computer comprises a web server (i.e. a server that serves web sites to the client computer) (col. 5 lines 26-58, col. 6 lines 25-27, col. 8 lines 20-24, and Figures 5 and 6).

7. In reference to claims 4, 14, 26, and 36, Park discloses the method wherein the attract loop content is displayed in a browser window (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15).

8. In reference to claims 5, 15, 27, and 37, Park inherently discloses the method attract loop content is displayed in a browser window in full screen mode (since, the option to display a browser window in full screen mode is automatically presented as a feature of the browser itself, for example in Internet Explorer, under the View menu on the toolbar, there is an option to display a full screen mode, and Park teaches the invention using the Internet Explorer web browser, and therefore the full screen mode option is positively present in Park's disclosed invention) (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15).

9. In reference to claims 6, 16, 28, and 38, Park discloses the method wherein the wherein the attract loop content is displayed in a browser window which was

automatically opened by the attract loop code (col. 3 lines 22-50, col. 4 lines 13-17, col. 11 lines 46-65, and Figures 3 and 10-15).

10. In reference to claims 8, 18, 30, and 40, Park discloses the method wherein the user event is selected from the group consisting of manipulation of an input device, movement of a mouse (i.e. cursor movement) (abstract, col. 3 lines 12-17 and 55-67, col. 4 lines 13-17, col. 9 lines 56 to col. 10 lines 6, col. 11 lines 46 to col. 12 lines 16, and Figures 10-13), typing on a keyboard, access of a storage device, and combinations of these.

11. In reference to claims 9, 19, 31, and 41, Park discloses the method wherein the attract loop content comprises media selected from the group consisting of text (col. 7 lines 65 to col. 8 lines 2), graphics (col. 7 lines 65 to col. 8 lines 2), animation, sound, video, multimedia, and combinations of these.

12. In reference to claims 10, 20, 32, and 42, Park discloses the method wherein the attract loop content relates to subject matter selected from the group consisting of advertisement (col. 7 lines 65 to col. 8 lines 4), entertainment, education, and combinations of these.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 7, 17, 29, and 39 are rejected under U.S.C. 103(a) as being unpatentable over Park in view of the article titled "An Internet newcomer is making money by selling moving ads as part of screen savers" written by David Barboza for the New York Times on October 1, 1996 on page D.7 (hereinafter Barboza).

In reference to claims 7, 17, 29, and 39 Park teaches the method wherein the attract loop code is received and displayed (col. 7 lines 43-57, col. 8 lines 20-24 and 38-40, and col. 11 lines 29-31). Park is silent about teaching the method that automatically causes the attract loop content to be continually updated.

Barboza teaches the method that automatically causes the attract loop content to be continually updated (page 1 lines 1-4 and 7-9, page 2 lines 15-17, 26-28, and 31-33). It would have been obvious to modify Park to include the method that automatically causes the attract loop content to be continually updated to gain access to up to date advertising content to be presented with the web page to the users. Further, it would make sense to have continually updated content, since users would not want to see the same advertisements over and over again, and repeated advertisements will also not benefit the advertiser as the viewers will no longer be interested in viewing the repeated advertisement.

Response to Arguments

14. After careful review of Applicant's remarks/arguments filed on 05/15/2006, the examiner fully considered the arguments, but they are not persuasive.

15. In reference to claims 1-44, Applicant argues that "while Park et al. does disclose that the user may cause the advertising image to disappear, and that the advertising

image will reappear after a predetermined time, there is absolutely no disclosure, teaching or suggestion in Park et al. that the advertising image appears and/or reappears only if a monitored user event does not occur within a specified time period." The Examiner respectfully disagrees and would like to point the Applicant to (col. 3 lines 28-30 and 44-50, col. 9 lines 62 to col. 10 lines 6, where it is stated, "Moreover, the pointing device activity further includes a combination of standard events such as **a lapse of time regardless of any user's point device activity**" (i.e. when the **user event/activity does or does not occur** within a specified time period the images disappear and reappear similar to a screensaver), and claims 7 and 48). Therefore, Park teaches the appearance and reappearance of an advertising image when a monitored user event/activity does not occur in a specified time period, since it teaches the lapse of time embodiment of the invention as being one of the forms of activity that the invention can be programmed to recognize.

16. Applicant also argues that the crux of Park's invention is to react to the user's movement of the mouse, and how the Applicant's invention is directed to an improved and novel screen saver, and therefore two systems are completely incongruous. While the Examiner agrees with the Applicant that Park's focus is on reacting to the user's movement of a mouse, Park's also teaches an **embodiment with a lapse of time where regardless of the user's point device activity** (i.e. when the user engages in mouse movement and when he doesn't engage in point device activity during a lapse of time), the advertising images are displayed to the user. Therefore, the two systems are not completely incongruous.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include the following.

a) Guyot Patent Number 6,119,098. Teaches a method and system for targeting and distributing advertisements over a distributed network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

July 6th, 2006

RAQUEL ALVAREZ
PRIMARY EXAMINER